

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

JONATHAN RIVERA-PIEROLA,

Plaintiff,

v.

BOARD OF REGENTS FOR THE
OKLAHOMA AGRICULTURAL AND
MECHANICAL COLLEGES; STATE OF
OKLAHOMA *ex rel.* OKLAHOMA
STATE UNIVERSITY; and ST.
MATTHEWS UNIVERSITY, INC.,

Defendants.

Civil Action No.: 5:21-cv-00616-PRW

**JOINT MOTION FOR EXTENSION OF CURRENT DISCOVERY AND TRIAL
DOCKET DEADLINES**

COME NOW the Parties, Plaintiff, Jonathan Rivera-Pierola (“Plaintiff”), and Defendants, the Board of Regents for the Oklahoma Agricultural and Mechanical Colleges (“Board of Regents”) and the State of Oklahoma *ex rel.* Oklahoma State University (“Defendants,” and together with Plaintiff, collectively, the “Parties”), pursuant to LCvR 7.1(h), hereby respectfully and jointly request an extension of the current discovery and trial docket deadlines. In support of this Motion, the Parties show the Court as follows:

1. On March 10, 2023, Plaintiff filed an Unopposed Motion for Extension of Current Discovery and Trial Docket Deadlines [Docket No. 32].

2. On March 13, 2023, this Court entered an Order resetting this case on the Court’s September 2023 Trial Docket and extended all unexpired deadlines. [Docket No. 33].

3. This is the second request to extend the deadlines in this case.

4. On June 29, 2023, Defendants filed their Motion for Summary Judgment and Supporting Brief [Docket No. 34]. Plaintiff's response is currently due by July 20, 2023, however, Plaintiff is concurrently filing an Unopposed Motion for Extension of Time to File his Response in Opposition to Defendants' Motion for Summary Judgment, in which he is requesting a one-week extension to July 27, 2023, to file his response.

5. The Parties have been diligently conducting discovery and continue to conduct discovery, including the exchange of their Rule 26(a) disclosures, Rule 26(a) supplemental disclosures, responses to written discovery and several depositions. Plaintiff also intends to take the depositions of two witnesses, consisting of Oklahoma State University employees, which will take place on July 13, 2023, and July 17, 2023.

6. Plaintiff served a copy of their Disclosure of Retained Expert Witness Pursuant to Federal Rules of Civil Procedure 26(a)(2)), which attached a copy of their expert report, to Defendants on June 30, 2023. Defendants are requesting additional time to review Plaintiff's expert witness report and to prepare their rebuttal expert report.

7. The Parties will also require additional time to depose Plaintiff's expert witness and any rebuttal expert of Defendants.

8. The Parties agree that extending the deadlines would be in the best interest of all parties, and such an extension would not be for the purpose of delay.

9. The Parties are asking for a trial date to be set in November or later due a pending conflict for the Parties in October.

10. Should the Court grant the extension, the current discovery and trial docket deadlines would be adjusted as follows:

FILINGS	CURRENT DEADLINES	PROPOSED DEADLINES
Defendant to file objections to the Plaintiff's final exhibit list, under Fed.R.Civ.P. 26(a)(3)(B)	July 13, 2023	August 03, 2023
Defendant to file a final list of expert witness(es) in chief and submit expert reports to Plaintiff	July 10, 2023	July 31, 2023
Defendant to file a final list of witnesses, together with addresses and brief summary of expected testimony where a witness has not already been deposed	July 10, 2023	July 31, 2023
Defendant to file final exhibit list	July 10, 2023	July 31, 2023
Plaintiff to file objections to the Defendants' final exhibit list, under Fed.R.Civ.P. 26(a)(3)(B)	July 24, 2023	August 14, 2023
Discovery to be completed	July 31, 2023	August 21, 2023
Daubert motions to be filed	July 31, 2023	August 21, 2023
Jury Trial	September 2023	November 2023
Designations of deposition testimony to be used at trial	August 23, 2023	October 23, 2023
Objections and counter-designations to be filed. Objections to counter-designations to be filed within seven (7) days thereafter	August 30, 2023	October 30, 2023
Motions in limine	August 23, 2023	October 23, 2023
Requested voir dire	August 23, 2023	October 23, 2023
Requested jury instructions	August 23, 2023	October 23, 2023
Proposed findings and conclusions of law	August 23, 2023	October 23, 2023
Trial briefs (optional unless otherwise ordered)	August 23, 2023	October 23, 2023
Final Pretrial Report, approved by all counsel, and in full compliance with Local Rules (see Appendix IV), together with a proposed order approving the report	August 23, 2023	October 23, 2023

WHEREFORE for the above stated reasons, the Parties respectfully request an extension of the current discovery and trial docket deadlines as propounded above. In accordance with Local Rule 7.1(h), a proposed order is being contemporaneously submitted with this Motion.

Submitted this 6th day of July, 2023.

Respectfully submitted,

/s/ Jason J. Bach

Jason J. Bach

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University*

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2023, I electronically transmitted the attached document to the Clerk of Court using the ECF system for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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